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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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*NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.*

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# HOUSE WEEK IN REVIEW

The House of Representatives devoted the week to consideration of the state government budget for the upcoming fiscal year. The House amended and gave second reading approval to H.3749, the **GENERAL APPROPRIATION BILL FOR FISCAL YEAR 2003-2004**. Highlights of the budget bill include:

## Statewide Issues

- Annualizations: this House bill reduces annualizations to \$55 million. In FY 2001-2002 annualizations were \$564 million. That has been reduced by \$500 million over the last four years.
- Almost all agencies have received funding reductions, with some reductions ranging up to 18%. The areas of K-12, Medicaid, Corrections, and law enforcement were given top priority for protection from the deepest cuts.

House revenue options (without which the agency cuts would have been significantly deeper):

- \$7.2 million from increasing the issuance or renewal of a driver's license from 5 years to 10 years, except for those age 65 years or older.
- Funds from statewide accounts: \$44.6 million - The House took a fraction of interest from numerous accounts (exempting education accounts). \$37 million in non-recurring money from various accounts including unclaimed property, demutualization, lapse in debt service, and residual revenue from the Tobacco Settlement Trust Fund. Most of the \$44.6 million in revenue was allocated to Medicaid (\$30 million).

## Public Education

- Total state funding for K-12 is over \$2.5 billion.
- The base student cost is determined to be \$1,643 for the fiscal year.
- \$5.5 million for the National Board Certification program to continue the program.
- Sets teachers' salaries at the southeast average of \$40,659 with an additional appropriation of \$15,508,406 in the Teacher Salary Supplement line of the budget.
- Expands the \$200 teacher supply money to certified teachers at Charter Schools.
- Increases from 20% to 100% the financial flexibility for local school districts; waives the mandated local maintenance of effort for one year to alleviate the fiscal pressure on local units of government; grants greater flexibility in the use of Teacher Specialists by allowing them to be employed across core subject areas and grade levels.

### Higher Education, Technical and Cultural

- Funds maintained or increased for the LIFE, HOPE, and Palmetto Fellows scholarship programs.

### Health Care

- Funds the state's Medicaid program with \$154 million of appropriations and savings initiatives and with \$45 million realized from tobacco funds to be included in the Medicaid reform bill.
- Ad hoc Medicaid Reform Subcommittee continues to work on restructuring and reform measures that will have a significant affect on the state's health care system.

### State employee issues

- A one-time bonus of \$200 to be paid on the last paycheck before Christmas to state employees making \$30,000 or less.

### Lottery

The LIFE Scholarship, the HOPE Scholarship, as well as need-based scholarships, are funded in the House lottery plan, as well as Higher Education Tuition Grants and the Lottery Tuition Assistance Program (for two year institutions). By changing the percentage of funds the lottery can retain for administration from eight to six percent and by using the first \$1.8 million from gross proceeds on sales before distribution, these programs are funded with an additional \$13.5 million. In addition to the scholarship programs, the House budget protects aid to county libraries and the K-5 reading program.

### Lottery Appropriations

Tuition Assistance Two-Year Institutions (\$8 M of unclaimed prizes)	27,830,626
Lottery LIFE	40,000,000
Lottery HOPE (\$2,500 & \$150 Books)	6,294,176
Lottery Palmetto Fellows	5,000,000
Lottery Need-Based Grants	3,000,000
Tuition Grants	3,000,000
National Guard	1,500,000
Endowed Chairs	30,000,000
Technology: Public 4-Year, 2-Year Institutions & State Tech Schools	10,000,000
K-5 Reading, Math, Science & Social Studies Program	40,000,000
Research & Technology Grant - SC State University	3,000,000
State Library - Aid to County Libraries	1,500,000
<u>Education Accountability Act Increase</u>	<u>23,503,683</u>
Total	194,628,485

The House also appointed a conference committee to address differences with the Senate on **S.375**. This joint resolution authorizes the **OPTION OF SCHOOL EMPLOYEE FURLOUGH PROGRAMS** and grants **FLEXIBILITY IN TRANSFERRING SCHOOL FUNDS** for fiscal year 2002-2003.



# BILLS INTRODUCED IN THE HOUSE THIS WEEK

## EDUCATION AND PUBLIC WORKS

### **H.3761 STUDENT DISCIPLINE** Rep. Loftis

This bill authorizes teachers, consistent with board policy, to manage their classrooms, discipline students, and refer students to the principal to maintain classroom discipline, and requires the principal to then employ appropriate discipline management techniques.

The bill also sets out requirements for local school boards regarding setting policies for the filing and handling of reports by teachers who have knowledge that a student has exhibited disruptive behavior.

The bill authorizes the removal of disruptive students from the classroom under specified conditions and procedures and provides procedures for the student's return to the classroom. Included in this procedure is the establishment in each school, by local school board policy, of one or more placement review committees, established to determine the placement of a student when a teacher withholds consent to the return of the student to the teacher's class. The bill provides for the establishment and authority of these committees.

### **H.3781 "SAFE SCHOOLS ACT"** Rep. Clark

This bill requires local school districts to develop, before September 1, 2004, a policy prohibiting harassment, intimidation, or bullying at school. The bill delineates components which must be included in such policies and directs the State Board of Education to develop model policies for grades K-12 by December 1, 2003. The bill provides requirements for publication of the policies, related training for school employees, and school report card information related to these programs and the number of bullying incidents at the schools.

The bill provides to school employees and volunteers, under certain specified conditions, immunity from a cause of action for damages arising from failure to remedy a reported incident.

## JUDICIARY

### **H.3759 SOCIAL SECURITY NUMBERS NOT REQUIRED ON ABSENTEE BALLOT APPLICATIONS** Rep. Scott

This bill revises the form of the application for an absentee ballot, so as to eliminate the requirement that the application contain the applicant's social security number.

**H.3760 RESTRICTIONS ON BEER AND WINE SALES AT SERVICE STATIONS**

**Rep. Haskins**

This bill provides that it is unlawful for a business establishment which sells gasoline or other motor fuels and which also possesses a permit to sell beer and wine to sell: (1) refrigerated or chilled beer or wine; (2) individual bottles or cans of beer; (3) more than one container of beer to a customer at one time. Penalties are provided for violations.

**H.3762 TRIAL JUDGE AUTHORIZED TO WAIVE CERTAIN INMATE WORK  
RELEASE NOTIFICATIONS**

**Rep. Harrison**

This bill authorizes a trial judge to waive his right to receive notification of the pending release of inmates selected to participate in work release for good character and behavior.

**H.3769 SAVANNAH RIVER SITE LAW ENFORCEMENT OFFICER MAY BE  
TRAINED AT THE CRIMINAL JUSTICE ACADEMY**

**Rep. Stewart**

This bill provides that a person employed as a law enforcement officer with the Savannah River Site Law Enforcement Department may attend and be trained at the Department of Public Safety's Criminal Justice Academy Division.

**H.3777 ADOPTION OF ONE VOTING SYSTEM FOR USE STATEWIDE**

**Rep. Scott**

This bill provides that the State Election Commission shall adopt one voting system to be used to conduct elections in this state. The legislation restricts the use of vote recorders to absentee voting. The bill revises the voting machine approval process, so as to eliminate references to a machine being approved by an independent testing authority

**H.3778 DRIVERS INVOLVED IN ACCIDENTS MUST AVOID OBSTRUCTING  
TRAFFIC**

**Rep. Herbkersman**

This bill revises the statutory requirements of drivers involved in accidents resulting in injury, death, or damage so as to provide that such a driver must comply with the requirement to stop and remain at the scene of the accident in a way that will not obstruct traffic. The bill provides that state and local authorities may erect signs along highways and streets that inform the public that the driver of a vehicle involved in an accident resulting in injury to or the death of a person or in an accident resulting only in damage to a vehicle which is driven or attended by a person shall stop the vehicle at the scene of the accident or as close to the accident as possible without obstructing traffic.

**H.3780 "UNBORN VICTIMS ACT"**

**Rep. Simrill**

This bill enacts the "Unborn Victims Act" which revises numerous provisions concerning unlawful killing or injuring by providing that an unborn child is included in the definition of who may be considered a victim in such circumstances.



**H.3782 FRAUDULENT CHECKS AND COLLECTION AGENCIES**

**Rep. G. M. Smith**

This bill provides that a commercial agent for collection of an obligation paid for with any fraudulent check, draft, or other written order does not have the same rights as the original payee, and may not rely on the civil or criminal remedies for prosecuting or civilly enforcing payment of a fraudulent check, unless the check, draft, or other written order has been endorsed over to the agent for collection for value and without reservation of rights. An affidavit evidencing such an endorsement must accompany an application for a bad check warrant.

**H.3793 MANAGEMENT OF PROBATE COURT OPERATIONS** **Rep. Gilham**

This bill revises the requirement that the governing body of each county provide the judge of probate with the necessary office equipment, books, office space, and personnel for the operation of the court, so as to provide that these judges have absolute control over these matters, including use of budgeted funds, employee classifications, compensation, and promotions.

## **WAYS AND MEANS**

**S.444 USE OF CERTAIN 2002-03 UNIVERSITY FUNDS** **Sen. Matthews**

This joint resolution provides that for fiscal year 2002-03 only and under specified conditions, all university appropriated funds to be used for basic and applied research in information and technology outreach opportunities for the State's rural and urban citizens may also be used for instructional and essential operational purposes only.

**H.3758 REAL AND PERSONAL PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE** **Rep. Wilkins**

This bill provides that, insofar as real and personal property exemptions from attachment, levy, and sale are concerned, the exemption allowed for the debtor's interest in a motor vehicle is revised so as to track the exempted amount in federal law.

**H.3763 STATE BUDGET BILL FORMAT** **Rep. Sheheen**

This bill requires that the annual State budget plans submitted by the Governor, the House Ways and Means Committee, and the Senate Finance Committee must provide a narrative regarding each agency and each program administered by that agency, which narrative must include information delineated in the bill. The bill also requires that the budget recommendation for an agency must include an overall recommendation by budget category and a similar recommendation for each program administered by the agency and the specific source of funds appropriated for the agency.

**H.3768 S.C. HEALTH AND HUMAN SERVICES REORGANIZATION AND  
ACCOUNTABILITY ACT OF 2003 Rep. Rice**

This comprehensive bill enacts the "South Carolina Health and Human Services Reorganization and Accountability Act of 2003," reorganizing and restructuring state health and human services agencies; reforming the state Medicaid system; and imposing a surtax on cigarettes in an amount equal to 2.1 cents per cigarette, with revenue from this surtax to be dedicated to Medicaid and to offsetting reductions in other state-imposed taxes and fees.

**H.3770 S.C. HEALTH AND HUMAN SERVICES REORGANIZATION AND  
ACCOUNTABILITY ACT OF 2003 Rep. Quinn**

This comprehensive bill enacts the "South Carolina Health and Human Services Reorganization and Accountability Act of 2003," reorganizing and restructuring state health and human services agencies and reforming the state Medicaid system.

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